



FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

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OCT 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Michael A. Apicella et al	:	
Application No. 09/077,572	:	ON PETITION
Filed: October 13, 1998	:	
Attorney Docket No. 17023-002US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2005, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed May 26, 2005, which set a shortened statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 27, 2005.

The drawings filed on June 14, 2004 and September 19, 2005 were approved by the draftsman. A copy of the Notice of Draftsman's Patent Drawing Review (PTO-948) is attached.


It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a

power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Publishing Division to be processed into a patent.


Wan Laymon
Petitions Examiner
Office of Petitions

Attachment: PTO-948

cc: VIKSNINS HARRIS & PADYS
PO BOX 111098
ST. PAUL, MN 55111-1098